

## **REMARKS**

The Applicants and the undersigned thank Examiner Al Aubaidi for a careful review of the present application. Consideration of this application is respectfully requested in view of the following remarks, which are responsive to the Official Action mailed January 11, 2007.

### **I. Consideration of Preliminary Amendment Filed October 22, 2004**

Applicants filed a Preliminary Amendment in the present application on October 22, 2004 and then received a return postcard with a U.S. Patent Office stamp-of-receipt dated October 25, 2004. Posting of the Preliminary Amendment on the Patent Office's "Patent Application Information Retrieval" (PAIR) website further demonstrates that the Patent Office received the Amendment. The Preliminary Amendment contained claim amendments relative to the original claim set that was filed on December 11, 2003 (the filing date of the patent application) and included a request for examination of the amended application.

The present Official Action states that the Official Action is responsive to communication filed on December 11, 2003, rather than to the date of the Preliminary Amendment. Certain statements in the Official Action seem directed to the original (un-amended) claims rather than to the claim set that resulted from the Preliminary Amendment. The Applicants respectfully request a statement for the record regarding whether the Official Action reports an examination result for the original claims or for the amended claims that resulted from the Preliminary Amendment. In any event, in accordance with 37 C.F.R. § 1.121, the Amendments to the Claims appearing on the foregoing pages of the present Response are relative to the claim set that resulted from the Preliminary Amendment filed October 22, 2004.

### **II. Status of the Claims**

Upon entry of this Amendment, Claims 1-47 are pending in the present application, with Claims 1, 17, 24, 27, 31, 35, 44, and 46 being the independent claims. The Applicants have amended Claims 1, 17, 20, 21, 24, 27, 31, and 35 and have added Claims 38-47 to provide a scope of protection commensurate with the original disclosure. The claim amendments and added claims do not add new matter.

The Examiner issued pending rejections under 35 U.S.C. § 103(a) of Claims 1-37 based on an assertion that these claims are obvious over U.S. Patent Number 6,914,975 to Koehler et

al. (hereinafter “*Koehler*”) in view of U.S. Patent Number 6,754,331 to McCormack (hereinafter “*McCormack*”). The Applicants offer the following remarks to traverse the pending rejections.

### III. New Claim 44 is patentable over *Koehler* and *McCormack*

New Claim 44 defines a method for managing delivery of performance interventions to an agent of a contact center. The method requires the steps of: (i) providing a time spacing between transmitting performance interventions to an agent of a contact center; and (ii) adjusting the time spacing in response to predicting a state of the contact center at a future time.

The Applicants respectfully submit that Claim 44 is distinguishable over *Koehler*, *McCormack*, and an alleged combination thereof at least because the claim recites one or more features that is not disclosed, not taught, and not suggested by either reference. Moreover, the claim recites a combination of features that a theoretical combination of the cited references does not disclose, teach, or suggest.

For example, Claim 44 includes recitations for adjusting time spacing between transmitting performance interventions in response to predicting a state of the contact center at a future time. *Koehler* and *McCormack* do not disclose, teach, or suggest predicting a state of a contact center at a future time in accordance with the requirements of Claim 44.

The Applicants concur with the Examiner’s assessment, expressed in the Official Action, that *Koehler* does not teach determining a state of the contact center and adjusting a rate of delivering performance interventions. Moreover, the Applicants respectfully submit that *Koehler* discloses neither adjusting time spacing between transmitting performance interventions nor predicting a state of the contact center at a future time as required by Claim 44.

However, *McCormack* also does not disclose predicting a state of the contact center at a future time and further does not disclose adjusting time spacing between transmitting performance interventions, in accordance with the invention of Claim 44. The disclosure of *McCormack* is limited to determining state in the past based on stored data, and the reference fails to disclose, teach, or suggest predicting state of a contact center at a future time. *McCormack*’s past time teachings directly contrast with predicting state at a future time; *past* and *future* are antonyms.

To illustrate that the technology of *McCormack* operates in past time only and for the Examiner’s convenience, the Applicants have repeated below example excerpts from *McCormack* (underlining added).

Title     DETERMINING STATISTICS ABOUT THE BEHAVIOR OF A CALL CENTER AT A PAST TIME INSTANT

Abstract   ... At present supervisors have no means of accessing information about the state of a call center at a particular past time instant. The present invention provides this information by using a pegging engine to extrapolate from statistics about behavior of the call center at a past time instant to values of those statistics at a required past time instant. ...

1:5-9     FIELD OF THE INVENTION

The present invention relates to a method and apparatus for determining statistics about the behaviour of a call center at a required past time instant.

2:16-20   An object of the present invention is therefore to provide a method of determining statistics about the behaviour of a call center at a required past time instant which overcomes or at least mitigates one or more of the problems mentioned above.

2:26-30   SUMMARY OF THE INVENTION

According to an aspect of the present invention there is provided a method of determining statistics about the behaviour of a call center at a required past time instant ...

2:45-50   This provides the advantage that a quick and simple method of obtaining statistics about the behaviour of the call center at a past time instant is available. Sets of values of these statistics are stored at intervals, each set of values reflecting what was the "current" behaviour of the call center at a particular time.

In view of the foregoing discussion of distinctions between Claim 44 and the art that the Examiner has cited, the Applicants submit that Claim 44 is distinguishable over that art. Accordingly, the Applicants courteously ask the Examiner to allow Claim 44.

#### **IV. Independent Claims 1 and 35 are patentable over the cited references**

As amended, Claim 1 defines a computer-based method for managing delivery of performance interventions to agents of a contact center. The method requires the steps of: (i) delivering performance interventions to at least one of the agents of the contact center at a rate; (ii) predicting a state of the contact center; and (iii) responsive to the predicting step, adjusting the rate of delivering performance interventions.

As discussed above with reference to Claim 44, neither *Koehler* nor *McCormack* nor an alleged combination thereof discloses, suggests, or teaches predicting a state of a contact center. Moreover, those cited references fail to disclose adjusting a rate of delivering performance interventions in response to predicting a state of the contact center in accordance with the recitations of amended Claim 1. In contrast to the requirements of Claim 1, *McCormack* teaches extrapolating archived call center data from one past time to another past time in order to fill in a gap in recorded historical data. See *McCormack*, column 2, lines 1-15.

Amended Claim 35 defines a computer-readable medium having computer-executable instructions for performing the following steps: (i) delivering performance interventions to an agent of a contact center at a rate; (ii) predicting a state of the contact center; and (iii) responsive to the predicting step, adjusting the rate of delivering performance interventions. The Applicants submit that Claim 35, as amended, is distinguishable over *McCormack* and *Koehler* at least because those references do not disclose adjusting the rate of delivering performance interventions in response to predicting the state of the contact center.

In view of the above discussion of contrasts between the cited references and selected features of amended Claims 1 and 35, the Applicants submit that Claims 1 and 35 are patentable over *McCormack* and *Koehler* and respectfully request for the Examiner to withdraw the pending rejections.

#### **V. Independent Claim 24 is patentable over *Koehler* and *McCormack***

Claim 24, as amended, defines a method for enhancing performance of agents of a contact center. The method requires (i) delivering performance interventions to at least one of

the agents of the contact center at a current delivery rate; (ii) identifying a time-sensitive performance intervention for delivery to at least one of the agents in advance of a time; (iii) estimating if the time-sensitive performance intervention will be delivered in advance of the time based on the current delivery rate; and (iv) if the estimating step indicates that the time-sensitive performance intervention will not be delivered in advance of the time, increasing the current delivery rate.

*Koehler* and *McCormack* do not disclose, teach, or suggest the invention of amended Claim 24. Moreover, the disclosure, teachings, and suggestions of those references, taken either individually or in a hypothetical combination, contrast with the recitations of Claim 24, as amended.

Amended Claim 24 includes recitations for: estimating if a time-sensitive performance intervention will be delivered in advance of a time based on a current delivery rate; and increasing the current delivery rate if the estimate indicates that the time-sensitive performance intervention will not be delivered in advance of the time. Neither *Koehler* nor *McCormack* discloses, teaches, or suggests such recitations. *McCormack* contains no teaching or suggestion of modifying a current delivery rate if an estimate indicates that a time-sensitive performance intervention will not be delivered in advance of a time as required by amended Claim 24. In contrast to the required features, *McCormack* discloses filling in gaps in recorded data that describe past events. See *McCormack*, column 2, lines 1-15. *Koehler*, also in significant contrast to the requirements of amended Claim 24, teaches training call center agents via having them interact with virtual customers. See *Koehler*, column 2, lines 21-36.

In view of the above, the Applicants submit that Claim 24, as amended, is allowable over *McCormack* and *Koehler* and respectfully request withdrawal of the pending rejection of that claim.

#### **VI. Independent Claim 17 is patentable over *Koehler* and *McCormack***

As amended, Claim 17 defines a method for managing delivery of performance interventions to agents of a contact center. The method requires (i) determining a state of the contact center; (ii) setting a state level for the contact center; and (iii) determining a number of performance interventions for delivery to the agents during a future increment of time on the basis of a comparison between the state and the state level.

The cited references, *Koehler* and *McCormack*, do not disclose, teach, or suggest the invention of amended Claim 17. The Examiner has asserted that *McCormack* teaches adjusting the rate of delivering performance interventions on the basis of deviation between the monitored state and the state level and cites column 2, lines 28-55 in support of that assertion. The Applicants respectfully disagree with the Examiner's position and submit that the cited section of *McCormack* (and in fact the entire reference) is directed to "a quick and simple method of obtaining statistics about the behavior of the call center at a past time instant". See McCormack, column 2, line 46-48.

Furthermore, the Applicants respectfully submit that the disclosure, teachings, and suggestions of *McCormack* contrast with the invention of amended Claim 17. *McCormack* does not, either at the cited section or elsewhere, disclose: setting a state level for a contact center; and determining a number of performance interventions for delivery to agents during a future increment of time on the basis of a comparison between the state and the state level, in accordance with Claim 17, as amended.

Accordingly, retraction of the pending rejection of Claim 17 is courteously requested.

## **VII. Independent Claims 27, 31, and 46**

Amended Claim 27 defines a computer-based method for supplying performance interventions to agents of a contact center. Claim 31, as amended, defines a method for managing agents of a contact center. Meanwhile, new Claim 46 defines a method for training an agent of a contact center.

The invention of amended Claim 27 recites: (i) providing performance interventions at a rate that is predetermined; and (ii) responsive to receiving the state of the contact center, changing the rate of providing performance interventions

Claim 31, as amended includes recitations for: (i) receiving a first request for performance interventions to be delivered at a first rate; and (ii) responsive to a change in a contact volume or a handle time, receiving a second request for the performance interventions to be delivered at a second rate.

New Claim 46 requires the steps of: (i) establishing a frequency for transmitting training content to the agent; (ii) determining state of the contact center; and (ii) refining the frequency according to the determined state.

The Applicants respectfully submit that the references cited by the Examiner do not disclose the invention of amended Claims 27 and 31 or new Claim 46. For example, Claim 27, as amended, requires providing performance interventions at a rate that is predetermined. Neither *Koehler* nor *McCormack* teaches a providing performance interventions at a predetermined rate in accordance with the recitations of this claim.

Amended Claim 31 recites responsive to a change in a contact volume or a handle time, receiving a second request for the performance interventions to be delivered at a second rate. The Applicants submit that neither cited reference discloses that recited technology.

New Claim 46 includes recitations for refining a frequency for transmitting training content to an agent according to a determined state of the contact center. *Koehler* and *McCormack*, taken either individually or in an alleged combination, do not disclose, teach, or suggest refining a frequency for transmitting training content to an agent according to a determined state of the contact center as required by Claim 46.

In view of the above discussion of distinctions between the cited art and Claims 17, 31, and 46, as amended and added, the Applicants respectfully request for the Examiner to allow those three independent claims.

**VIII. Dependent Claims 2-16, 18-23, 25, 26, 28-30, 32-34, 36-43, 45, and 47 are patentable over *Koehler* and *McCormack***

Each of dependent Claims 2-16, 18-23, 25, 26, 28-30, 32-34, 36-43, 45, and 47 recites features and combinations of features further defining the present invention over the cited art. Accordingly, the Applicants request separate and individual consideration of each dependent claim.

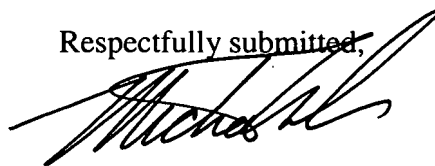
Each of the dependent claims incorporates the recitations of the respective claim or claims from which it depends. In view of the above-described distinctions between the references cited by the Examiner and independent Claims 1, 17, 24, 27, 31, 35, 44, and 46, as amended, the Applicants respectfully submit that dependent Claims 2-16, 18-23, 25, 26, 28-30, 32-34, 36-43, 45, and 47, as amended, are also patentable over *Koehler* and *McCormack*. Therefore, the Applicants respectfully request for the Examiner to withdraw all pending rejections of these claims.

### CONCLUSION

To the extent that the Applicants have not addressed each specific point that the Examiner has raised or each specific rejection of every independent and dependent claim, the Applicants submit this paper shows that the independent claims, and thus all the claims, are allowable over the cited references. The Applicants have not acquiesced to any rejection or point raised by the Examiner and reserve the right to address the patentability of any additional claim features in the future.

The foregoing is submitted as a full and complete response to the Official Action mailed January 11, 2007. The Applicants thank Examiner Al Aubaidi for consideration of the amendments and remarks presented by this paper. The Applicants have shown that the pending claims are allowable and allowance of the claims is respectfully requested. It is believed that this response places the application in condition for allowance. Such action is courteously requested. If there are any issues that can be resolved with an Examiner's Amendment or a telephone conference, a telephone call to the undersigned at 404.572.3486 is respectfully requested.

Respectfully submitted,



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